

UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF CALIFORNIA

DAWANE ARTHUR MALLETT,

Plaintiff,

v.

JOHN K. VINCENT, et al.,

Defendants.

No. 2:23-cv-00394-DAD-DMC (PC)

ORDER ADOPTING FINDINGS AND
RECOMMENDATION AND DISMISSING
THIS ACTION

(Doc. Nos. 2, 9)

Plaintiff Dawane Arthur Mallett, proceeding *pro se*, initiated this civil rights action under *Bivens v. Six Unknown Named Agents*, 403 U.S. 388 (1971) on March 2, 2023. (Doc. No. 1.)

This matter was referred to a United States Magistrate Judge pursuant to 28 U.S.C. § 636(b)(1)(B) and Local Rule 302.

On March 15, 2024, the magistrate judge issued findings and recommendations recommending that this action be dismissed, without leave to amend, due to plaintiff's failure to state a cognizable claim upon which relief may be granted. (Doc. No. 9.) Those findings and recommendations were served on plaintiff and contained notice that any objections thereto were to be filed within fourteen (14) days from the date of service. (*Id.* at 7.) To date, no objections to the pending findings and recommendations have been filed, and the time in which to do so has now passed.

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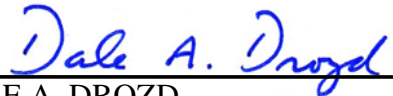
1 In accordance with the provisions of 28 U.S.C. § 636(b)(1)(C), this court has conducted a
2 *de novo* review of the case. Having carefully reviewed the entire file, the court concludes that the
3 findings and recommendations are supported by the record and by proper analysis.

4 Accordingly,

- 5 1. The findings and recommendations issued on March 15, 2024 (Doc. No. 9) are
6 adopted in full;
- 7 2. This action is dismissed due to plaintiff's failure to state a cognizable claim for
8 relief;
- 9 3. Plaintiff's application to proceed *in forma pauperis* (Doc. No. 2) is denied as
10 having been rendered moot by this order; and
- 11 4. The Clerk of the Court is directed to close this case.

12 IT IS SO ORDERED.

13 Dated: June 11, 2024

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DALE A. DROZD
15 UNITED STATES DISTRICT JUDGE
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